



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Peter R. David
Serial No.: 10/060,922
Filed: January 29, 2002
Title: MICROVOLUME DEVICE EMPLOYING FLUID MOVEMENT BY CENTRIFUGAL FORCE

PATENT APPLICATION

Group: 1765

Examiner: Robert M. Kunemund

**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING REJECTION
OVER PENDING SECOND APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Syrrx, Inc., the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on commonly owned pending second U.S. Application Serial No. 09/877,405, filed on June 8, 2001 and U.S. Application Serial Nos. 10/060,872, 10/060,955, 10/060,861, and 10/060,853, filed on January 29, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submission on behalf of any organization (e.g., corporation, partnership, university, government agent, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Pursuant to 37 C.F.R. § 3.73(b), the undersigned ASSIGNEE hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE, SYRRX, INC.

2. The undersigned is an attorney of record.

Charge Deposit Account 50-2256 the sum of \$110.00 for the terminal disclaimer fee.

02/27/2004 RMEBRAHT 00000090 502256 10060922

04 FC:1814 110.00 DA

Date: January 21, 2004

Respectfully submitted,
SYRRX, INC.

By: David L. Weitz

David L. Weitz, Reg. No. 38,362
General Counsel and V.P. of Intellectual Property

Customer No. 32793
10410 Science Center Drive
San Diego, CA 92121
Tel: (858) 622-8528
Fax: (858) 550-0992